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NUER RULES OF EXOGAMY AND INCEST[1]

835 753 844 THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*diser*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kuti*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv [1935], 5).

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582 place between them. An ox of the *ma jok thieng* colour is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say *Bakesa mar*, 'We break kinship', and *Ba bak ne kir*, 'It (kinship) is broken with a gourd.' It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the *genitor*, is a different man from the sociological father, the *pater*, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage even where this would not have been allowed had their father been their *pater*. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar lala*, the natural son of his maternal grandfather.

582 597 The adoption of a Dinka boy into a Nuer minimal lineage—an event which very frequently takes place—prevents him from marrying into that lineage, and he would normally not be allowed to marry into a collateral minimal lineage of the same minor lineage.[1] Some of my informants were of the opinion that he ought not to marry into the clan at all, but marriages of adopted Dinka into collateral major, and even minor, lineages undoubtedly take place sometimes. When this happens it is permitted because Nuer hold of adoption that 'It stops there (in

[1] An instance of a marriage of this kind is given in 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, xvii (1934), p. 13.

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the joint family) and remains in their lineage (minimal), *it* 582
would not jump over their fire-place (joint family) to a collateral 597
lineage'; but to avoid the appearance of a breach of exogamy the spear-name *mut jangeru*, spear of this Dinka, is called out in the invocation of the ghosts on the day of the adopted Dinka's wedding in addition to the clan spear-name which becomes his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. A man and woman with the same spear-name cannot marry, because this is evidence of common clanship. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may claim some part of it. Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs and then hands her over to another man to bring up outside his village 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the household (*gol*) and becomes a member of the household.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth, for several generations. She herself can be married to a clansman of her captor and foster-father so long as her husband does not belong to his minimal lineage, which is to say, so long as those who pay her bridewealth cannot also claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

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582 607 A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children.[1] It is said that were he to do so the children of the marriage would die. When I argued that there was no kinship between a man and his wife's sister Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman since she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow, and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that you cannot marry your child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

582 961 A man may not marry the daughter of an age-mate, a member

[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

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of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rin*, of the bridewealth of the daughter of one of his mates, and a man may not be in the position of paying bridewealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage rarely surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God and it is believed that the guardian spirit of the age-set (*kwoth riedien*) will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. Thus Nuer may be heard to say of such a set as the Wangdel, 'The Karamni marry their daughters, we the Pilnali do not', meaning that the Karamni, who belong to the set next junior to the Wangdel, would not be their sons, whereas the Pilnali, who belong to the next set but one, would be mostly their sons. When one of the fathers is dead marriage can take place but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This ritual exchange is in payment to the *rir*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead, because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

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For completeness it must be mentioned that a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

The exogamous rules I have recorded above can be generalised by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *tiar*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar matriage into the clan in which, on the day of the wedding, tribute was

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

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835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kuol*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thilke ruai*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*ciang*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal
[834] cousins are not subject to the same restraint. It is not *ruai* to
[561] have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with
587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

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divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *guan buthei* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *ruai* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *ruai* is more pronounced. 535 537

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *ruai*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dep*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if 535 536

835 they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835 844 There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with shame or embarrassment. Parents teach their sons at an early age the rules of sex: to avoid the wives of others and those who *take man*, have kinship. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gua*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives to other men, for fornication with an unrelated girl, a *ngut Nath*, as they say, is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the exogamous permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter are also terrible. I have heard of one case of each.

Incest with the paternal half-sister, whether *daughter of pater* or *genitor*, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'For one man knows kinship and another man does not know kinship, that is a man whose heart was made differently.' Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for social kinsmen. I was told, for instance, that a man might make love to the daughter of the natural son of his maternal grandfather (*gua nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister and it is worse with a mother's brother's daughter than with a father's brother's daughter and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one and with a kinswoman in the restricted than in the classificatory sense. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of exogamy and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' 'What! Do you not want the cattle of your daughter's marriage and would you not die of *ruai*?' And so forth. Incest with the wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *ruai* while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Incest with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest

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835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyaguanien* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyaguan* (paternal half-sister) nothing might happen, though the relations would without doubt be *ruai*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

835 783 789 To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *mut ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

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formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confusion then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *ruai* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *ruai* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bai*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *ruai*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *ruai*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat guan*, father's son, to Bul, whose marriage, which had in any case not escaped

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835 684 critical comment, might then have entailed risks. Even then Bul might have taken the risks, claiming that the child was *dieth laka*, born in concubinage, and therefore not a true brother if his *genitor* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 682 I now make some general observations, within the scope of this essay, on Nuer exogamy and incest, or about the Nuer concept of *ruai*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *ruai*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *ruai*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1]

It is true also that Nuer call *ruai* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare "You cannot make love to the daughter of an age-mate because you call her *nyade* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

335 taboo not so much as wives of kinsmen but rather as mothers of kinsmen. 'It is like this. The girl is married with cattle. You get your wife and her father gets your cattle. The girl is now your kinswoman and not kin to her father's people.' Nuer say that your wife becomes your *gaan buthni*, which means that she can perform ritual on behalf of your lineage. One man described her position thus: 'Now she [your wife] is like your mother; she cooks for you and milks the cows and performs the other services which your mother once performed for your household. She is a real kinswoman. She is like your mother. She has been exchanged for cattle and brought to agnatic kinship with another household (*caa nang buthni gol dialam*).'

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every kind are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the joint family and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group and of its cattle. Hence sexual relations with the wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence also, whereas relations with, for example, the wife of the maternal uncle means relations with the *oit nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with *nikdas*, our wife, and the mother of *gatdas*, our child. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Patrilineal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by a man and his maternal

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aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them. 835

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the payment of bridewealth and its distribution, the ritual of marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay. 835 582

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recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. The Nuer political structure was treated in that book as a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be *in* abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

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community of kindred every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the exogamous ban, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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